IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 5669/2007

SARWAR KHAN
Vs.
ADDITIONAL DISTRICT JUDGE NO.2, SIKAR & ORS.

DATE: 01.08.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Ajeet Bhandari for the petitioner.

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This writ petition is directed against the impugned order dated 29.05.2007 passed by the Additional District Judge No.2, Sikar, by which the application filed by the petitioner under Order 26 Rule 9 CPC dated 08.05.2007 for appointment of Commissioner has been rejected.

The reason for refusal to appoint Commissioner is given by the Court below that the factum of identification of disputed property can be proved by way of adducing evidence and the Court below has further observed that for collecting evidence, Commissioner is not at all required to be appointed.

Having heard learned counsel for the petitioner and upon careful perusal of the impugned order dated 29.05.2007, I am fully agree with the

observations made by the Court below that the identification of the disputed land can be established by the parties after adducing evidence and by way of filing documents.

Thus, I find no illegality or error apparent on the face of the record in the impugned order dated 29.05.2007 passed by the Additional District Judge No.1, Sikar. No interference whatsoever is required by this Court while exercising powers under Article 227 of the Constitution of India.

Consequently, the writ petition fails and the same is dismissed.

(K.S. RATHORE),J.

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